

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 2, 5, 7, 10, 12, and 14 are pending in this application. Claims 1, 3, 4, 6, 8, 9, 11, and 13 are canceled without prejudice or disclaimer and Claims 2, 5, 7, 10, 12, and 14 are amended by the present amendment. Amended Claims 2, 5, 7, 10, 12, and 14 are supported by the original claims, and therefore add no new matter.

In the outstanding Official Action, Claims 1-14 were rejected under 35 U.S.C. §103(a) as unpatentable over Kobayashi et al. (European Patent No. 0 822 555, hereinafter Kobayashi).

Claims 1, 3, 4, 6, 8, 9, 11, and 13 are canceled, making the present rejection moot with respect to these claims.

With regard to the rejection of Claim 2 under 35 U.S.C. §103(a) as unpatentable over Kobayashi, that rejection is respectfully traversed.

Amended Claim 2 recites an information recording apparatus comprising, *inter alia*:

- a scramble processor configured to scramble digital data for each predetermined reference unit using a randomly generated scramble pattern; and
- a recording controller configured to record scramble pattern information for specifying the scramble pattern used in scrambling by said scramble processor on the recording medium to be included in the additional information,
  - wherein the additional information has identification information for identifying the reference unit,
  - the scramble processor scrambles the identification information, and
  - the recording controller allocates the additional information at a head of each reference unit, and records the scramble pattern information on the recording medium between the identification information and the digital data.

First, Kobayashi describes that the input to the scrambler 101 is stored in ROM 111, not saved on the medium.<sup>1</sup> As Kobayashi does not teach or suggest storing scramble information on a medium at all, it does not teach or suggest a recording controller that “records the scramble pattern information on the recording medium between the identification information and the digital data.” Accordingly, Kobayashi does not teach or suggest “a recording controller” as recited in Claim 2.

Further, Kobayashi describes that sector data including a data ID section, an IED section, an SCL section, a main data section, and an EDC section are written on the medium.<sup>2</sup> However, Kobayashi describes that only the main data is input into logical operation circuit 50 to be scrambled. The data ID, IED, SCL, and EDC are sent from the first additional signal generator 55 to the first multiplexor 56, and thus are not scrambled.<sup>3</sup> Accordingly, Kobayashi does not teach or suggest “the scramble processor scrambles the identification information,” as recited in Claim 2.

Moreover, the outstanding Office Action does not cite any portion of Kobayashi as teaching any of the features of original Claims 2-4. It simply asserts, “such particular features are well known in the art for the purpose of handling information across computers.”<sup>4</sup> It is respectfully noted that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the cited reference(s). *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). See also MPEP §2143.03. As the outstanding Office Action has apparently conceded that Kobayashi does not teach or suggest all of the elements of original Claim 2, it is respectfully submitted that amended Claim 2 (and Claim 5 dependent therefrom) is patentable over Kobayashi.

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<sup>1</sup>See Kobayashi, page 2, lines 8-9.

<sup>2</sup>See Kobayashi, Figure 8.

<sup>3</sup>See Kobayashi, page 21, lines 30-37 and Figure 12.

<sup>4</sup>Outstanding Office Action, page 3, lines 7-8.

Application No. 09/976,156  
Reply to Office Action of June 30, 2005

Claims 7, 12, and 14 recite similar elements to Claim 2, and thus Claims 7, 12, and 14 (and Claim 10 dependent therefrom) are patentable over Kobayashi for at least the reasons described above with respect to Claim 2.

Accordingly, in view of the present amendment, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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